

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Eric J. Hansen and Jesse J. Williams

For: EXTRACTION CLEANING WITH OXIDIZING AGENT

Serial No.: 09/589,973 Examiner: Necholus Ogden Jr.

Filed: 06/08/00 Group Art Unit: 1751

Atty. Docket: 71189-1300 Confirmation No: 9893

DECLARATION OF CHRISTINE M. JUDGE

Sir:

Christine M. Judge declares that:

1. I am an Administrative Assistant at McGarry Bair PC (McGarry Bair) and principally assist John E. McGarry, the attorney who is in charge of this application. I have been employed as an Administrative Assistant for McGarry Bair and its predecessors in interest continuously since 1998 and am familiar with the docketing system. Mr. McGarry and I meet regularly to review his docketed files and to schedule actions to make sure that all docketed matters are attended to on a timely basis. As part of my duties as an Administrative Assistant, I review Mr. McGarry's docket on at least a weekly if not a daily basis and consult with Mr. McGarry to make sure that all docketed matters are timely completed and filed in the US or foreign patent offices.
2. McGarry Bair uses the following system to process all incoming patent-related mail:
 - a. Each piece of incoming mail is opened, scanned and saved.

- b. Each item is docketed in our docketing system, PATTSY. The docketing is reviewed by a second responsible employee for accuracy.
 - c. An electronic notification of each docket entry is sent to the attorney(s) of record for the matter along with the appropriate administrative assistant(s).
 - d. The hard copy of each piece of incoming mail and a print out of the docket for the file are forwarded to the appropriate Administrative Assistant.
3. Each attorney and the appropriate Administrative Assistant at McGarry Bair receives a notice by email each day as to those matters that are due in the near future and on a the date of the email. In addition, each attorney receives on a regular basis a printed docket of the matters that are due for him or her over a period of the succeeding two month period.
4. The above identified matter was docket on the PATTSY system for filing an appeal brief each month after the 60 day period after filing a Notice of Appeal and the Request for a Pre-Appeal Brief Conference. Further, the PATTSY docketing system noted that a Request for a Pre-Appeal Brief Conference had been filed and that we were awaiting a decision from the USPTO on our Request. On or about July 14, 2008, I met with Mr. McGarry in one of our regular meetings and we discussed the above matter and noted that we had not yet received a decision on our Request. Mr. McGarry requested me to check the USPTO PAIR system to see if any decision of the review panel had been issued.
5. On July 23, 2008, I accessed the Image File Wrapper for the above-identified application through the PAIR system to check the status of the above-identified case. It showed that a Notice of Panel Decision from Pre-Appeal Brief Review was mailed on May 13, 2008.

6. McGarry Bair has no record of receiving the Notice of Panel Decision from Pre-Appeal Brief Review and I believe that it was never received by McGarry Bair.
7. On July 23, 2008, I contacted Examiner Necholus Ogden, Jr. via telephone and advised that counsel for Applicants had not received the Notice. Examiner Ogden recommended that we file a petition to reset the date for filing the appeal brief in view of the fact that we had not received the decision from the review panel.
8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code and that such false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: August 4, 2008

/Christine M Judge/
Christine M. Judge